/Loodth/)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---x

DAWNE LULEFF, on behalf of
herself and all others similarly situated,

                       Plaintiff,

                v.

BANK OF AMERICA, N.A., et al.,

                       Defendants.

No. 06-CV-1435 (JGK)

---x

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO INDIVIDUAL CLAIMS AND WITHOUT PREJUDICE AS TO PUTATIVE CLASS CLAIMS

WHEREAS, Dawne Luleff, individually and on behalf of her minor daughter, Desire Cobble (the "Luleffs"), entered into a Settlement Agreement ("Settlement") in their individual capacities, to settle all claims in the above-captioned action; and

WHEREAS, no class has been certified in this action, and the claims of the putative class are not being settled; and

WHEREAS, the ~~Luleffs and their counsel~~ parties believe that no notice need be given to the members of the putative class; and
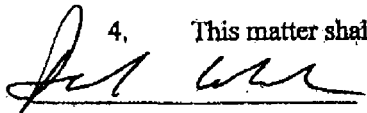
WHEREAS, the Settlement provides that this Stipulation shall be withdrawn and the Settlement shall be null and void if the Court determines that notice of the Settlement must be sent to the putative class;
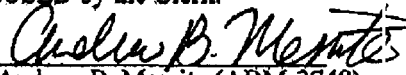
It is hereby STIPULATED and AGREED that:

1.   As to the claims brought by Dawne Luleff, individually and on behalf of her minor daughter Desire Cobble, those claims against Defendants are DISMISSED WITH PREJUDICE in their entirety.

2.   As to the putative class members other than Dawne Luleff and Desire Cobble, those putative class claims against Defendants are DISMISSED WITHOUT PREJUDICE.

3.   This Stipulation and Order can be executed via facsimile.

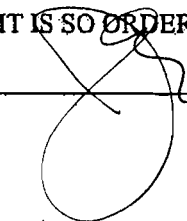4.   This matter shall be marked CLOSED by the Clerk.

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IT IS SO ORDERED:

7/21/08

_____ J.

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